

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00
USIE-00 INRE-00 MCT-01 SY-05 HA-05 A-01 /062 W
-----087230 221815Z /50

O R 221730Z MAR 78
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 7482
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L NICOSIA 0769

E.O. 11652: GDS
TAGS: PGOV, CY, US
SUBJECT: RELEASE ON REDUCTION OF SENTENCES FOR PERSONS
INVOLVED IN IMPLICATION IN DAVIES CASE

REF: (A) STATE 72956 (B) NICOSIA 0765

1. IN ABSENCE OF THE AMBASSADOR WHO WAS MAKING FINAL DEPARTURE
PREPARATIONS, FONMIN ROLANDIS CALLED IN DCM MARCH 22 TO
DISCUSS STATE DEPARTMENT SPOKESMAN'S MARCH 21 STATEMENT ABOUT
REDUCTION OF SENTENCES OF PERSONS IMPLICATED IN THE DEATH
OF AMBASSADOR DAVIES.

2. ROLANDIS HAD A TEXT OF SPOKESMAN'S STATEMENT AND QUESTIONS
AND ANSWERS FROM CYPRUS EMBASSY IN WASHINGTON IT APPEARED TO BE
IDENTICAL TO REF A. HE SAID PRESIDENT KYPRIANOU IS TROUBLED BY
THE SPOKESMAN'S STATEMENT; GOC HAS NOTED SEVERAL INACCURACIES
AS FOLLOWS:

(A) THE TWO PERSONS INVOLVED WERE NOT "CONVICTED IN THE DEATH
OF AMBASSADOR DAVIES." BASED ON EVIDENCE AVAILABLE THE CYPRUS
ASSIZE COURT DID NOT CHARGE EITHER OF THE MEN WITH THE KILLING
OF THE AMBASSADOR. THEY WERE CONVICTED OF OTHER CRIMES --
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CARRYING AND USING FIREARMS, DAMAGING THE EMBASSY, ETC.
(B) THE U.S. SHOULD BE AWARE THAT GOC ALSO LEARNED "WITH
GREAT DISMAY" OF THE CYPRUS SUPREME COURT DECISION. PRESIDENT
KYPRIANOU WAS NOT INFORMED OF IMPENDING SUPREME COURT DECISION.
AFTER THE DECISION WAS ANNOUNCED, KYPRIANOU ASKED ROLANDIS TO
COMPLAIN TO CHIEF JUSTICE TRIANTAFYLIDIS THAT CYPRUS
ADMINISTRATION SHOULD AT LEAST HAVE BEEN INFORMED BEFORE

ANNOUNCEMENT WAS MADE.

(C) SPOKESMAN CHARACTERIZED THE ACT OF THE DEFENDANTS AS "TERRORISM." ROLANDIS SAID THIS IS NOT EXACTLY CORRECT. WHILE NOT NECESSARILY LESS EVIL THAN AN ACT OF TERRORISM THE ATTACK ON THE EMBASSY SHOULD BE CHARACTERIZED AS A CIVIL COMMOTION.

(D) THE ANSWER TO THE QUESTION "WHO ASKED FOR THIS ACTION BY THE COURT?" IS THAT THE DEFENDANTS DID. THE ATTORNEYS FOR THE DEFENSE FILED A NORMAL APPEAL TO THE ASSIZE COURT DECISION.

(E) THE GOC READ SPOKESMAN'S ANSWER TO QUESTION "HAVE YOU BEEN ABLE TO FIND OUT WHETHER THIS ACT IS POLITICALLY MOTIVATED?" AS IMPLYING THAT THE ACTION WAS POLITICALLY MOTIVATED. THIS IS NOT TRUE, ROLANDIS SAID. IF KYPRIANOU ADMINISTRATION HAD BEEN ABLE TO INFLUENCE THE DECISION OF THE COURT IT WOULD HAVE BEEN TO LENGTHEN INSTEAD OF SHORTENING SENTENCES.

(F) STATEMENT OF SPOKESMAN THAT "...IN THIS CASE IT WAS THE MURDER OF AN AMBASSADOR AND IT WAS AN ACT OF TERRORISM..." IS NOT CORRECT, ROLANDIS SAID, BECAUSE NEITHER OF THESE ACTS WERE INVOLVED IN THE COURT SENTENCE.

3. DCM POINTED OUT THAT WE UNDERSTOOD ORIGINAL CASE AGAINST THE DEFENDANTS HAD BEEN WEAK IN LEGAL TERMS BUT THIS HAD OCCURRED BECAUSE OF THEFT OF ORIGINAL INVESTIGATION FILE AND INTIMIDATION IN COURT OF WITNESSES AS WELL AS THE FACT THAT SOME OF THE BEST EVIDENCE (TV NEWS FILM) COULD NOT BE USED. AT THE SAME TIME THERE WERE POLITICAL IMPLICATION IN THE CASE AND WE HAD BEEN ASSURED BY SENIOR GOC OFFICIALS THAT SENTENCES WOULD BE AS STRICT AS POSSIBLE. WE WERE SURE THAT THE STATE DEPARTMENT SPOKESMAN'S CONFIDENTIAL

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STATEMENT REFLECTS THE DISAPPOINTMENT OF THE U.S.G. THAT THE PERSONS WHO WERE WELL KNOWN TO HAVE BEEN INVOLVED IN THE KILLING OF AMBASSADOR DAVIES WERE NOT GIVEN ADEQUATE SENTENCES AND THAT EVEN THESE WERE REDUCED SUBSTANTIALLY. ROLANDIS CLOSED THE MEETING BY SAYING IT WAS UNFORTUNATE THIS ISSUE HAD SURFACED AT A TIME WHEN THE GOC IS MAKING SUCH STRONG EFFORTS WITH CONGRESS TO INSURE THAT THE ARMS EMBARGO ON PROVISIONS OF MILITARY EQUIPMENT TO TURKEY IS NOT LIFTED.

4. AS DCM LEFT THE MINISTRY FONMIN DIRGEN PELAGHIAS GAVE HIM TEXT OF RELEASE BEING ISSUED BY GOC PIO MARCH 22 (REF B). SUBSEQUENTLY FONMIN OFFICER CALLED TO SAY THAT PRESS RELEASE HAD BEEN MODIFIED JUST BEFORE RELEASE. THERE WERE TWO CHANGES FROM THE VERSION IN REF (B) AS FOLLOWS:
--THIRD PARA FIRST TWO SENTENCES SHOULD READ, "THE ASSIZE COURT DID NOT CALL UPON THE TWO ACCUSED TO ANSWER THE CHARGE OF HOMICIDE ON THE GROUND THAT THERE WAS NO PRIMA FACIE EVIDENCE SUPPORTING THIS CHARGE. THEREFORE THE ACCUSED WERE ACQUITTED AND DISCHARGED ON THIS COUNT."
--LAST PARA HAS TWO NEW SENTENCES AT BEGINNING AS FOLLOWS, "THE STATE DEPARTMENT SPOKESMAN LET IT BE UNDERSTOOD THAT THE SUPREME COURT'S DECISION MAY HAVE BEEN PROMPTED BY POLITICAL

CONSIDERATIONS. THIS HINT IS ENTIRELY UNJUSTIFIED AND UNACCEPTABLE AND CASTS DOUBTS ON THE INTEGRITY OF THE GOVERNMENT OF CYPRUS WHICH IS PRESENTED AS INFLUENCING COURT DECISIONS. FOR UNDER THE CONSTITUTION..."
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